

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Neumont University, LLC,  
Plaintiff,  
v.  
Jesse Nickles,  
Defendant.

Case No.: 2:12-cv-1395-JAD-PAL

**Order**

On February 9, 2015, I gave Neumont University, LLC until February 19, 2015, to serve defendant Jesse Nickles “by email at [jesse@littlebizzy.com](mailto:jesse@littlebizzy.com) and file proof of this service.” Doc. 69 at 9. More than a month has passed since this 10-day service deadline ran, and Neumont has not filed proof of service or explained why service of the filing of the notice was not possible.

Federal Rule of Civil Procedure 4(m) states that “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”<sup>1</sup>

In two prior orders, I provided reasons why I found Neumont’s prior service attempts to be unsatisfactory, gave Neumont ample opportunity to demonstrate good cause, and ultimately extended the long-expired 120-day service deadline to permit service on Nickles by email. Docs. 62, 69. Neumont has not filed proof of service or explained why service (or the filing of proof of service) could not be effectuated. As Neumont has apparently elected not to avail itself of these extensions of the service deadlines and the ability to serve Nickles by email, I now give Neumont until April 1, 2015, to comply with my prior instructions or have its claims against Nickles dismissed without prejudice and this case closed.

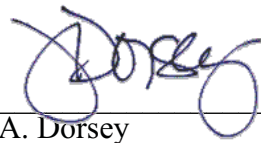
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<sup>1</sup> Fed. R. Civ. Proc. 4(m).

**Conclusion**

Accordingly, it is HEREBY ORDERED that Neumont has until April 1, 2015, to (1) file proof that Nickles was served by email on or before February 19, 2015, or (2) demonstrate why such service was not effectuated and why Neumont's claims against Nickles should not be dismissed under FRCP 4(m). Should Neumont fail to take one of these steps to the court's satisfaction, its claims against Nickles will be dismissed without prejudice and without further notice.

DATED: March 24, 2015.



Jennifer A. Dorsey  
United States District Judge